

### REMARKS

Applicant respectfully requests reconsideration of the present application, as amended.

#### Summary of Office Action

Claims 1-20 were pending.

A restriction requirement was made with respect to claims 1-11, 16-20 (Group I) and claims 12-15 (Group II).

Claims 1-11 and 16-20 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,907,547 of Foladare, et al. ("Foladare") in view of U.S. Patent No. 6,189,033 of Jin, et al. ("Jin").

#### Summary of Amendments

Claims 1-20 were canceled. Claims 21-32 were added. Applicant submits new claims 21-32 do not add new matter.

#### Response to Restriction Requirement

A restriction requirement was imposed as follows: Claims 1-11, 16-20 (Group I) and claims 12-15 (Group II). Applicant confirms the prior election of Group I during a telephone conference with the Examiner. The claims of Group II have been canceled by amendment above.

Applicant respectfully submits that the restriction requirement has been met.

Response to 35 U.S.C. § 103 rejections

Claims 1-11 and 16-20 were rejected as being unpatentable over Foladare and Jin. As stated above claims 1-20 were canceled. Applicant submits, new claims 21-32 are patentable over the cited references.

*Applicant submits none of the cited references, alone or in combination, teaches or suggests queuing users for subsequent notification of server availability, if insufficient server resources are currently available.* Applicant respectfully submits that “what” is being queued as well as the pre-conditions necessary for queuing are a significant distinction from the cited references.

Jin was cited as expressly teaching “queuing the remote user once a sufficient amount of resources are available to process the request” (07/09/2002 Office Action, p. 7). Applicant notes that the user’s request will be processed if sufficient resources are available to meet the rate requirements. If insufficient resources are available to guarantee the rate, the request may held for a pre-determined time interval. If resources become available to handle the rate during that pre-determined time interval, the request will be processed (Jin, col. 7, lines 16-48). Thus Jin queues the request for subsequent processing rather than the user for subsequent notification. *Jin does not teach or suggest queuing the remote user for subsequent notification of server availability.*

Foladare includes a disclosure of methods and apparatus for establishing data communication links and associated telephone calls between customers and customer service representatives. When the customer requests contact from a human customer service representative, a server sends a notification applet to the customer. The notification applet informs the customer when a customer

service representative becomes available to provide the customer with an opportunity to continue establishing contact. (Foladare, col. 2, lines 1-52).

Foladare teaches notifying users of subsequent availability of *people* such as salespeople or human agents. Such notification and any queuing are wholly unrelated to server availability. Foladare does not teach or suggest queuing the remote user/customer for subsequent notification of server availability.

Thus applicant respectfully submits none of the cited references, alone or in combination, teaches or suggests 1) *queuing users for subsequent notification of server availability, (if insufficient resources are available)* or 2) *subsequently notifying queued users when the server is available*.

In contrast, new claim 21 includes the language:

21. A method of queuing requests for a server coupled to a communication network, comprising the steps of:

- a) receiving a first request for services of a server from a user through the communication network;
- b) *signaling the user, if insufficient server resources are available to process the request, wherein the user is queued for subsequent notification; and*
- c) *notifying the user once a sufficient amount of resources are available to process the request.*

(New claim 21)(*emphasis added*)

Similarly, new claim 30 include the language:

30. A method of queuing requests *to access a web server* comprising the steps of:

- a) receiving requests by remote systems to access the web server;
- b) establishing connections between the web server and some of the remote systems;
- c) *sending a message to the remaining remote systems that a web server connection is not available; and*
- d) *queuing at least one of the remaining remote systems for subsequent notification of web server availability.*

(New claim 30)(*emphasis added*)

With respect to claim 28, applicant submits that similar arguments apply. Foladare discloses queueing customers for subsequent notification of customer service agent availability – not communication network availability. The availability of customer service agents is unrelated to the availability of the communication network.

Thus none of the cited references, alone or combined, teaches or suggests a method including the step of queueing at least some remote devices of a plurality of remote devices for subsequent notification of communication network availability when the remote devices are not able to establish a connection for handling their requests with the communication network.

In contrast, claim 28 includes the language:

28. A method comprising the steps of:

- a) receiving requests from a plurality of remote devices for access to a communications network;
- b) establishing connections between the communications network and a first group of the remote devices;
- c) *sending a signal to the remaining remote devices for which a connection is not established indicating that a connection was not established;* and
- d) *queueing at least some of the remaining remote devices for subsequent notification of communication network availability.*

(New claim 28)(*emphasis added*)

Applicant thus respectfully submits claims 21, 28, and 30 are patentable in view of the cited references.

Given that claims 22-27 depend from claim 21; claim 29 depends from claim 28; and claims 31-32 depend from claim 30, applicant submits claims 22-27, 29, and 31-32 are likewise patentable in view of the cited references.

Applicant respectfully submits the rejections under 35 U.S.C. § 103 have been overcome.

Conclusion

In view of the arguments presented above, applicant respectfully submits the applicable rejections and objections have been overcome. Accordingly, new claims 21-32 should be found to be in condition for allowance.

If there are any issues that can be resolved by telephone conference, the Examiner is respectfully requested to contact the undersigned at (512) 858-9910.

Respectfully submitted,

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